

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY MERKSICK,

Defendant.

8:19CR109

ORDER

The defendant, Tony Merksick, has moved to continue the trial (filing no. 55). The motion to continue is unopposed by counsel for the Government. Based on the showing set forth in the motion and supporting affidavit, the court finds good cause has been shown and the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue trial (filing no. 55) is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on February 3, 2020, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial.
- 3) In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between today's date and February 3, 2020, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

December 5, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge